



## **Tennessee Department of Environment and Conservation**

### **Division of Water Pollution Control**

#### **Mining Section**

**2700 Middlebrook Pike, Suite 220**

**Knoxville, Tennessee 37921-5602**

**PHONE (865) 594-6035**

**FAX (865) 594-6105**

### **Public Participation Opportunity**

**June 26, 2006**

**Public Notice M2006-06**

**Public Notice Expiration July 28, 2006**

The purpose of this notice is to advise the public of the following draft environmental permits and to solicit comments and information necessary to evaluate the potential impact of the proposed activities on human health and the environment.

### **Individual NPDES Permits**

#### ***Coal Proposed Reissuance***

Applicant	<b>National Coal Corporation</b>
Facility	<b>Deep Mine 6</b>
NPDES Permit Number	<b>TN0070891</b>
County	Campbell
Street Address	Haulroad 1
City	Smokey Junction
Zip	37756
Description of Activity	Underground coal mine
Receiving Stream	Wet weather conveyance to unnamed tributary to West Prong of Nicks Creek
Effluent Description	Treated wastewater and storm water
Facility Latitude	36°17'29"
Facility Longitude	84°18'46"
Permit Writer	MRR

#### ***Non-Coal Proposed Issuance***

The following new construction sand mine will discharge treated wastewater and storm water into Little Hurricane Creek and Little Piney Creek. These streams are classified as Tier 2 and are on the *Division's High Quality Water List*. Both streams harbor, at least in one location, populations of a state listed species, the Obey Crayfish. The Division believes that if NPDES permit limitations and conditions are met and the approved mining plans are followed, that include the construction of treatment ponds and Best Management Practices (BMPs), sediment can be retained on site at this facility.

Attached is the Division's *Notice of Determination of "No Degradation"*.

Applicant	<b>Plateau Sand</b>
Facility	<b>Highway 62 Mine</b>
NPDES Permit Number	<b>TN0079600</b>
County	Putnam
Street Address	455 Muddy Pond Road
City	Monterey
Zip	38574
Description of Activity	Sand and gravel mining and processing
Receiving Streams	Little Hurricane Creek and Little Piney Creek
Effluent Description	Treated wastewater and storm water
Facility Latitude	36°08'40"
Facility Longitude	85°08'23"
Permit Writer	KBG

***Non-Coal Proposed Reissuances***

Applicant	<b>General Shale Brick, Inc.</b>
Facility	<b>Mine No. 12 – Tannery Knob</b>
NPDES Permit Number	<b>TN0071404</b>
County	Washington
Street Address	102 South Broadway
City	Johnson City
Zip	37601
Description of Activity	Surface mining and processing of shale and clay
Receiving Stream	Unnamed tributary to Brush Creek
Effluent Description	Treated wastewater and storm water
Facility Latitude	36°19'39"
Facility Longitude	82°20'31"
Permit Writer	KBG

Applicant	<b>General Shale Products, LLC</b>
Facility	<b>Mine 17 – Sluder Hollow</b>
NPDES Permit Number	<b>TN0071412</b>
County	Washington
Street Address	Weaver Hollow Road
City	Johnson City
Zip	37602
Description of Activity	Surface mining and processing of shale and clay
Receiving Stream	Unnamed tributary to Brush Creek
Effluent Description	Treated wastewater and storm water
Facility Latitude	36°20'35"
Facility Longitude	82°18'47"
Permit Writer	KBG

### ***Coal Proposed Termination***

Applicant	<b>Beech Grove Processing Company</b>
Facility	<b>Refuse Area 2</b>
NPDES Permit Number	<b>TN0053732 (Reclamation)</b>
County	Campbell
Street Address	Beech Grove Area
City	Lake City
Zip	37769
Description of Activity	Reclaimed coal refuse disposal area
Receiving Stream	Disney Hollow
Effluent Description	Treated wastewater and storm water
Facility Latitude	36°14'08"
Facility Longitude	84°11'41"
Permit Writer	JPJ

TDEC is requesting public comment on these permit actions. Obtaining a broad range of facts and opinions on Agency actions is one of the best ways to ensure quality decisions. Persons wishing to comment on these proposed actions are invited to submit comments in writing to the Mining Section at the above letterhead address, Attn: Public Notice Coordinator, by fax (865) 594-6105, or by E-mail at [Gary.Mullins@state.tn.us](mailto:Gary.Mullins@state.tn.us). Comments must be received by the end of comment period date (see page 1).

### **How to Request a Public Hearing:**

Interested persons may request in writing that the Director of the Division of Water Pollution Control hold a public hearing on any application. The request must be filed within the comment period and must indicate the interest of the party filing it and the reasons why such a hearing is warranted. When there is significant public interest for a hearing, a hearing will be conducted according to *Rule 1200-4-5-.06 (12)* of the Division of Water Pollution Control. Public hearings will be announced through another public notice.

### **How the Department Will Proceed:**

The Director of the Division of Water Pollution Control will determine the final permit action after considering comments submitted during the comment period, the hearing record, if any, and the requirements of the Federal and State acts and regulations.

### **To Obtain Permit Details:**

Draft permits contain Antidegradation Determinations and Rationales that address information concerning the foundation for the Division's determinations. Copies of the application(s), draft permit(s), and supporting documentation are in the permit files maintained at the Mining Section's office located at the letterhead address. These files are available for public inspection during normal visiting hours. Please call (865) 594-6035 to schedule an appointment for the review(s).

List of Permit Writers

<b>KBG</b>	<b>Kristen Gettelfinger</b>	<b>865-594-5545</b>	<a href="mailto:Kristen.Gettelfinger@state.tn.us">Kristen.Gettelfinger@state.tn.us</a>
<b>JPJ</b>	<b>Jesse Jones</b>	<b>865-594-5543</b>	<a href="mailto:Jesse.P.Jones@state.tn.us">Jesse.P.Jones@state.tn.us</a>
<b>GWM</b>	<b>Gary Mullins</b>	<b>865-594-5536</b>	<a href="mailto:Gary.Mullins@state.tn.us">Gary.Mullins@state.tn.us</a>
<b>JCP</b>	<b>John Price</b>	<b>865-594-5585</b>	<a href="mailto:John.Price@state.tn.us">John.Price@state.tn.us</a>
<b>MRR</b>	<b>Micheal Robbins</b>	<b>865-594-5542</b>	<a href="mailto:Micheal.Robbins@state.tn.us">Micheal.Robbins@state.tn.us</a>
<b>SJT</b>	<b>Steven Turaski</b>	<b>865-594-5584</b>	<a href="mailto:Steven.Turaski@state.tn.us">Steven.Turaski@state.tn.us</a>
<b>DAT</b>	<b>Dave Turner</b>	<b>865-594-5541</b>	<a href="mailto:Dave.Turner@state.tn.us">Dave.Turner@state.tn.us</a>

**State of Tennessee Antidegradation Policy**

Tennessee's Antidegradation Statement is in Chapter 1200-4-3-.06 of the *Rules of the Tennessee Department of Environment and Conservation*. The primary purpose of the Antidegradation Policy is to establish a greater level of protection for high quality waters. Some high quality waters are in near-pristine condition. Others are determined to be high quality due to specialized uses and/or unique features.

Generally, there are two types of high quality waters. Outstanding National Resource Waters (ONRWs) or Tier 3 waters receive the greatest level of protection. The Water Quality Control Board designates these waters. New discharges or expansion of existing discharges cannot degrade existing water quality.

The Department identifies other high quality waters known as Tier 2 waters and protects against their degradation. The Water Quality Control Board may allow some degradation if the Board deems it economically and socially necessary. Tier 1 waters refer to other surface waters that do not have the identification and/or designation as high quality. These waters must achieve and maintain Tennessee's Water Quality Standards.

**State of Tennessee Policy of Non-Discrimination**

Pursuant to the State of Tennessee's policy of non-discrimination, the Tennessee Department of Environment and Conservation does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its policies, or in the admission or access to, or treatment or employment in its programs, services or activities. Equal Employment Opportunity/Affirmative Action inquiries or complaints should be directed to the EEO/AA Coordinator, Office of General Counsel, 401 Church Street, 20<sup>th</sup> Floor, L & C Tower, Nashville, TN 37243, 1-888-867-7455. Americans with Disabilities Act (ADA) inquiries or complaints should be directed to the ADA Coordinator, Human Resources Division, 401 Church Street, 12<sup>th</sup> Floor, L & C Tower, Nashville, TN 37243, 1-866-253-5827. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
KNOXVILLE ENVIRONMENTAL FIELD OFFICE  
2700 MIDDLEBROOK PIKE, SUITE 220  
KNOXVILLE, TENNESSEE 37921-5602  
PHONE (865) 594-6035      STATEWIDE 1-888-891-8332      FAX (865) 594-6105

***Notice of Determination of “No Degradation”***

**Plateau Sand Mine  
Monterey, Tennessee  
NPDES Permit TN0079600 (Draft)**

**June 26, 2006**

Under the *Tennessee Antidegradation Statement*, where reasonable alternatives to the degradation of a high quality Tier 2 stream are not feasible, applicants may ask the Department to determine that any proposed degradation is justified on the basis of economic or social necessity. The applicant has the burden of establishing to the Department that a change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any classified uses existing in such waters.

The proposed sand mine operation described in the accompanying public notice would discharge treated wastewater and storm water from three different outfalls into high quality Tier 2 waters. The applicant submitted plans that describe the sediment and erosion controls to be implemented that will prevent material from leaving the site and entering waters of the state.

After reviewing the information provided by the applicant that was submitted in accordance with *Rule 1200-4-3-.06*, the Division determined that degradation to high quality Tier 2 waters will not occur as long as appropriate pollution controls are in place and permit conditions are met.